IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 5TH POUSHA, 1928

Crl.MC.No. 3916 of 2006()

CMP.7337/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT -I, ALAPPUZHA
CRIME NO. 695/06 OF ALAPPUZHA NORTH POLICE STATION

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PETITIONER:

RAM MOHAN S/O.PADMANABHAN,
VELIYIL VEEDU, WARD NO.8, MARARIKULAM SOUTH
PANCHAYATH, PATHIRAPALLY POST, ALAPPUZHA.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.RANJIT SREENIVAS

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, ALAPPUZHA,
NORTH POLICE STATION THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3916 of 2006

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Dated this the 5th day of January, 2007

O R D E R

The petitioner claims to be the owner of an autorikshaw involved in a Crime registered inter alia under Section 308 I.P.C. The nexus between the vehicle and the crime is that the vehicle is allegedly used to run over the feet of the victim. Thus the vehicle is stated to be the weapon of offence in this case. The driver of the petitioner is said to be the accused. The petitioner's application for release of the vehicle was dismissed by the learned Magistrate and his application under Section 451 Cr.P.C. was also dismissed. The petitioner has hence come to this Court with this petition.

2. The learned counsel for the petitioner submits that the petitioner is the owner entitled to possession of the vehicle and the mere fact that the vehicle was allegedly involved in the commission of the above offence is no justification to indefinitely keep the vehicle in the custody of the police. No worthwhile contention is raised to resist the prayer for return of the vehicle. I am satisfied that the vehicle can now be directed to be released to the petitioner on

condition that he produces the necessary materials before the learned Magistrate to show that he is the owner entitled to possess the same.

3. This Crl.M.C. is, in these circumstances, allowed. The vehicle shall be released to the petitioner on appropriate conditions to be fixed by the learned Magistrate, if the learned Magistrate is satisfied that the petitioner is the person entitled for possession of the vehicle. The petitioner shall appear before the learned Magistrate on 9.1.2006.

4. Hand over copy of the order to the learned counsel for the petitioner forthwith.

(R. BASANT)
Judge

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